

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

257B0754

HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HCR1008 - 1/30/98**

Introduced by: Representatives McNenny, Apa, Belatti, Brooks, Brown (Jarvis), Chicoine, Cutler, Duenwald, Duxbury, Fitzgerald, Jaspers, Koetzle, Koskan, Kredit, Lee, Madden, Matthews, Monroe, Moore, Putnam, Schaunaman, Schrempp, Solum, Volesky, Waltman, Weber, Wick, and Windhorst and Senators Frederick, Aker, Benson, Brosz, Drake, Dunn (Jim), Flowers, Hainje, Hunhoff, Hutmacher, Kleven, Kloucek, Lange, Lawler, Morford, Rounds, Shoener, Staggers, Symens, and Vitter

1 A CONCURRENT RESOLUTION, Requesting the United States Fish and Wildlife Service to
2 postpone indefinitely the placement of the Topeka Shiner (*Notropis topeka*) on the
3 Endangered Species List.

4 WHEREAS, South Dakota is predominantly dependent upon agriculture economically and
5 proper stewardship of our resources is already a way of life and listing a native animal species
6 on the Endangered Species List would adversely affect agriculture, economic development,
7 infrastructure, construction, and more; and

8 WHEREAS, South Dakota is a state where we attempt to base our environmental policies
9 on common sense and sound science; and

10 WHEREAS, South Dakota is home to more than one hundred seventy-five species of
11 minnow making it difficult to determine the loss of any single species; and

12 WHEREAS, by law, the decision to list the Topeka Shiner as endangered must be based on

1 its population status, distribution and the existence of threats to the animal and its habitat; and

2 WHEREAS, the United States Fish and Wildlife Service has not conducted a study on the
3 population distribution of the Topeka Shiner and much of the information collected in South
4 Dakota is historical in nature dating back to 1939; and

5 WHEREAS, no recent information has been collected nor habitat evaluations made for the
6 Topeka Shiner in South Dakota, there is a lack of data to assist in making sound decisions
7 regarding potential impacts; and

8 WHEREAS, the Topeka Shiner is already protected under state law in Missouri and Kansas;
9 and

10 WHEREAS, Minnesota, Nebraska, and South Dakota already consider it a species of
11 concern; and

12 WHEREAS, according to the United States Fish and Wildlife Service employee Nell
13 McPhillips was quoted in the December 12, 1997, Mitchell Daily Republic on page one as
14 admitting that it is, "nearly impossible to count fish"; and

15 WHEREAS, landowners will respond to voluntary, incentive-based conservation programs
16 rather than additional regulatory burdens:

17 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
18 third Legislature of the State of South Dakota, the Senate concurring therein, that the
19 Legislature requests the United States Fish and Wildlife Service postpone indefinitely the
20 placement of the Topeka Shiner (*Notropis topeka*) on the Endangered Species List; and

21 BE IT FURTHER RESOLVED, that the Legislature encourages the development of
22 voluntary, cooperative agreements by the United States Fish and Wildlife Service and the
23 affected parties as a preferred alternative to listing.

1 **BILL HISTORY**

2 1/29/98 Scheduled for Committee hearing on this date.

3 1/29/98 Agriculture and Natural Resources Adopt Resolution as Amended, AYES 10, NAYS

4 1. H.J. 294